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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,115	02/01/2001	Johnny B. Corvin	UV-179	8786

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EXAMINER	
SHEPARD, JUSTIN E	
ART UNIT	**PAPER NUMBER**
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/775,115	CORVIN, JOHNNY B.	
	Examiner	Art Unit	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 January 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-16 and 40-48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-16 40-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14-16, and 40-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond in view of Russo in further view of Mori.

Regarding claims 14, 40, 43, and 46, the Zigmond reference teaches all of that which is discussed with regards to the "method of presenting a forced advertisement to a television viewer" as follows:

- The claimed step of "detecting the forced advertisement in an incoming video stream" is met by the delivery of the program stream and the targeted advertisements and the subsequent detection of a triggering event in the program stream to trigger the display of the targeted ad [col. 7, lines 2-32].

- The claimed step of "displaying the forced advertisement" is met by the ability to display the targeted advertisement to the viewer via display device 58 [col. 7, lines 30-32].
- The claimed step of "in response to the television viewer turning off and on user equipment on which the forced advertisement was being presented, presenting the forced advertisement from the beginning of the forced advertisement or recommencing the forced advertisement from the point at which the user equipment was turned off" is met by the discussion of eliminating "aggressive channel surfers" [col. 13, lines 16-39]. Here Zigmond teaches recommencing an advertisement on a channel change (thereby forcing the viewer to view the entire commercial no matter how many times the channel is changed).

While Zigmond does teach the ability to change channels and recommence a commercial until it has been significantly viewed by the subscriber, he does not teach turning off the television and starting the advertisement from the beginning once the television is turned back on.

The Russo reference teaches, in an analogous art, a system wherein a set top box stores information of the last place a video played before the STB was interrupted, and resuming the video at the same place once after the interruption is over (column 5, lines 14-19).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the video resuming taught by Russo in the system disclosed by Zigmond.

The motivation would have been to allow the user to have the ability to watch a program or commercial from the point when their watching was interrupted from a network outage.

Zigmond and Russo do not disclose a system where the interruption is caused by a power loss.

Mori discloses a system where the interruption is caused by a power loss (Abstract: Solution).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the resuming after a power loss taught by Mori to the system disclosed by Zigmond and Russo. The motivation would have been to enable the device to present an entire program even after a power loss had occurred.

Regarding claims 15, 41, 44, and 47, the Zigmond reference further meets the claimed step of "preventing the television viewer from changing channels during playing of the forced advertisement." Column 13, lines 16-39 disclose a way of curbing "aggressive channel surfing" which forces the users to view commercials in their entirety and does not allow the switching of channels to other programs before the commercial is fully viewed.

Regarding claims 16, 42, 45, and 48, the Zigmond reference further meets the claim that the "forced advertisement is stored in the user equipment". Column 8,

lines 3-7 discuss the use of a local repository for storing targeted advertisements at the user device.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JS

CHRIS KELLEY
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